

84-142-A PETITION FOR ZONING VARIANCE TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1. B02.3.B (sect. III C.3) to permit a sideyard setback of 1.361 in lieu of the required 7'.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty.) The only practical location for the subject storage shed is in the side yard of the "Cooks" house in the rear of the site since all of the rear yard has been paved for parking as shown on the plat. Thus, the storage shed has been so placed and screened from view of neighbors so that tools and other similar equipment could be appropriately stored. To do otherwise would create unreasonable hardship and practical difficulty for the property owner, who believes that this proposal is within the spirit of Baltimore County Zoning Regulations.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:
(Type or Print Name)

Signature

Address

City and State

Attorney for Petitioner:
(Type or Print Name)

Signature

Address

City and State

Attorney's Telephone No. 823-7800

Legal Owner(s):
(Type or Print Name)

House of Der, Inc.
(Type or Print Name)

By: *Tell Bin Der*
Signature

Tell Bin Der
(Type or Print Name)

Signature

Address

City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

William M. Hesson, Jr.
111 W. Chesapeake Ave.
Towson, Maryland 21204

Name

204 W. Pennsylvania Avenue
Towson, Maryland 21204

Address

City and State

Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 20th day of September, 1983, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 30th day of November, 1983, at 10:00 o'clock A.M.

(over)

William M. Hesson, Jr., Esquire
204 W. Pennsylvania Avenue
Towson, Maryland 21204

cc: Paul Lee Eng., Inc.
304 W. Pennsylvania Ave.
Towson, Maryland 21204

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your petition has been received and accepted for filing this 20th day of September, 1983.

ARNOLD JABLON
Zoning Commissioner

Petitioner: House of Der, Inc.
Petitioner's Attorney: William M. Hesson, Jr.

Received by: *Nicholas B. Commodari*
Nicholas B. Commodari
Chairman, Zoning Plans Advisory Committee

RE: PETITION FOR VARIANCE : BEFORE THE ZONING COMMISSIONER
SW Corner Millvale & Liberty Rds.
2nd District : OF BALTIMORE COUNTY

HOUSE OF DER, INC., Petitioner : Case No. 84-142-A

ORDER TO ENTER APPEARANCE

Mr. Commissioner:

Pursuant to the authority contained in Section 524.1 of the Baltimore County Charter, I hereby enter my appearance in this proceeding. You are requested to notify me of any hearing date or dates which may be now or hereafter designated therefor, and of the passage of any preliminary or final Order in connection therewith.

Peter Max Zimmerman
Deputy People's Counsel

John W. Hesson, III
People's Counsel for Baltimore County
Rm. 223, Court House
Towson, MD 21204
494-2138

I HEREBY CERTIFY that on this 18th day of November, 1983, a copy of the foregoing

Order was mailed to William M. Hesson, Jr., Esquire, 204 W. Pennsylvania Ave., Towson, MD 21204, Attorney for Petitioner.

John W. Hesson, III

BALTIMORE COUNTY

ZONING PLANS

ADVISORY COMMITTEE



PETITION AND SITE PLAN

EVALUATION COMMENTS

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon
Zoning Commissioner
Date: November 10, 1983

FROM: Norman E. Gerber, Director
Office of Planning and Zoning

SUBJECT: House of Der, Inc.
84-142-A

In view of the intensity of existing development on the entire property, the lack of any particular singularity relating to the topography or shape of the property, and the existing shed on the east side of the dwelling that could be expanded without the need for a variance, this Office cannot support the subject request.

Norman E. Gerber
Norman E. Gerber
Director of Planning and Zoning

NEG:JGR:cav

Baltimore County, Maryland

Department of Public Works

COUNTY OFFICE BUILDING
TOWSON, MARYLAND 21204

Bureau of Engineering
ELLSWORTH N. DIVER, P.E. CHIEF

July 2, 1975

Mr. S. Eric DiNenna
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Item #237 (1974-1975)
Property Owner: House of Der, Inc.
S/W cor. of Liberty Rd. & Millvale Rd.
Existing Zoning: B-1 & D-1, S-1
Proposed Zoning: Variance from Sec. 409.2 (b)(3) to permit a total of 100 spaces in lieu of the required 200 spaces and Special Hearing for off street parking in a residential zone.
No. of Acres: 1.32 District: 2nd

Dear Mr. DiNenna:

The following comments are furnished in regard to the plat submitted to this office for review by the Zoning Advisory Committee in connection with the subject item.

General:

The comments supplied in connection with the Zoning Advisory Committee review of this site for Item #147 (1973-1974) remain valid and applicable to this Item #237 (1974-1975). Those comments are referred to for your consideration. In addition, Milford Mill Road also is an improved County street for which no further highway improvements are required at this time. Construction or reconstruction of sidewalks, curb and gutter, entrances, apron, etc. will be the full responsibility of the petitioner.

The entrance locations are subject to approval by the Department of Traffic Engineering, and shall be constructed in accordance with Baltimore County Standards.

Very truly yours,

Ellsworth N. Diver
ELLSWORTH N. DIVER, P.E.
Chief, Bureau of Engineering

END:EAM:FWR:iss

P-SE Key Sheet
21 NW 25 Pos. Sheet
NW & G Topo
77 Tax Map

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

November 25, 1983

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

cc: Nicholas B. Commodari
Chairman

MEMBERS
Bureau of Engineering
Department of Traffic Engineering
State Roads Commission
Bureau of Fire Prevention
Health Department
Project Planning
Building Department
Board of Education
Zoning Administration
Industrial Development

William M. Hesson, Jr., Esquire
204 W. Pennsylvania Avenue
Towson, Maryland 21204

RE: Case #84-142-A (Item No. 75)
Petitioner - House of Der, Inc.
Variance Petition

Dear Mr. Hesson:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

In view of your client's proposal to "legalize" the side yard setback of the addition, located on the south side of the existing dwelling, this hearing is required. As you are aware this property is the subject of a zoning complaint (C-84-26) which is being withheld the scheduling of a hearing pending the outcome of this request.

For further information on the comments of the Department of Permits and Licenses, you may contact Mr. Ted Burnham at 494-3987.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

Nicholas B. Commodari
NICHOLAS B. COMMODARI
Chairman
Zoning Plans Advisory Committee

ENC:cmh

Enclosures

cc: Paul Lee Engineering, Inc.
304 W. Pennsylvania Avenue
Towson, Maryland 21204

BALTIMORE COUNTY
DEPARTMENT OF PUBLIC WORKS
TOWSON, MARYLAND 21204

HARRY J. PISTEL, P.E.
DIRECTOR

November 3, 1983

Mr. Arnold Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Dear Mr. Jablon:

The following comments are furnished in regard to the plat submitted to this office for review by the Zoning Advisory Committee in connection with the subject item.

General:

Liberty Road (Md. 26) is a State Road. All improvements, intersections, entrances, drainage requirements and construction affecting a State Road right-of-way are subject to the standards, specifications and approval of the Maryland State Highway Administration in addition to those of Baltimore County.

Comments were supplied for this property in connection with the Zoning Advisory Committee review for Items 84 (1972-1973), 147 (1973-1974 and 237 (1974-1975).

This office has no further comment in regard to the plan submitted for Zoning Advisory Committee review in connection with this Item 75 (1983-1984).

Very truly yours,

Robert A. Morton
ROBERT A. MORTON, P.E., Chief
Bureau of Public Services

RAM:EAM:FWR:iss

P-SE Key Sheet
24 NW 28 Pos. Sheet
NW & G Topo
77 Tax Map

Encs.

Pursuant to the advertisement, posting of property, and public hearing on the Petition and it appearing that strict compliance with the Baltimore County Zoning Regulations would/would not result in practical difficulty and unreasonable hardship upon the Petitioner(s) and the granting of the variance(s) requested will/will not adversely affect the health, safety, and general welfare of the community, the variance(s) should /should not be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this _____ day of _____, 19____, that the herein Petition for Variance(s) to permit

Baltimore County, Maryland
Department Of Public Works
COUNTY OFFICE BUILDING
TOWSON, MARYLAND 21204
March 18, 1974

Bureau of Engineering
ELLSWORTH N. DIVER, P.E. CHIEF

Mr. S. Eric DiMenna
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Item #117 (1973-1974)
Property Owner: House of Der, Inc.
S/ES of Brook Rd., S. of Liberty Rd.
Existing zoning: S.L. C.O.C. and D.R. 5.5
Proposed Zoning: Special Hearing for parking in a residential zone and Variance to permit a total of 81 spaces instead of the required 115 spaces
No. of Acres: 0.38 District: 2nd

Dear Mr. DiMenna:

The following comments are furnished in regard to the plat submitted to this office for review by the Zoning Advisory Committee in connection with the subject item.

Highways:

Liberty Road (Md. 26) is a State Road; therefore, all improvements, intersections, entrances and drainage requirements as they affect the road come under the jurisdiction of the Maryland Highway Administration. Any utility construction within the State Road right-of-way will be subject to the standards, specifications and approval of the State in addition to those of Baltimore County.

Millvale Road is an improved County street, no further highway improvements are required at this time.

Construction or reconstruction of sidewalks, curb and gutter, entrances, apron, etc. will be the full responsibility of the Petitioner.

The entrance locations are subject to approval by the Department of Traffic Engineering, and shall be constructed in accordance with Baltimore County Standards.

Sediment Control:

Development of this property through striping, grading and stabilization could result in a sediment pollution problem, damaging private and public holdings downstream of the property. A grading permit is, therefore, necessary for all grading, including the striping of top soil.

Storm Drains:

The Petitioner must provide necessary drainage facilities (temporary or permanent) to prevent creating any nuisances or damages to adjacent properties, especially by the concentration of surface waters. Correction of any problem which may result, due to improper grading or improper installation of drainage facilities, would be the full responsibility of the Petitioner.

Item #117 (1973-1974)
Property Owner: House of Der, Inc.
Page 2
March 18, 1974

Water and Sanitary Sewer:

Public water supply and sanitary sewerage are serving all structures within this site. The Petitioner will be responsible for the cost of capping any water main or sanitary sewer connections for any structure to be removed from this site.

It appears that additional fire hydrant protection may be required in the vicinity.

Very truly yours,
ELLSWORTH N. DIVER, P.E.
Chief, Bureau of Engineering

END:EAM:FWR:es

P-SE Key Sheet
21 NW 28 Pos. Sheet
NW 6 G Topo
77 Tax Map

Baltimore County, Maryland
Department Of Public Works
COUNTY OFFICE BUILDING
TOWSON, MARYLAND 21204
December 4, 1972

Bureau of Engineering
ELLSWORTH N. DIVER, P.E. CHIEF

Mr. S. Eric DiMenna
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Item #84 (1972-1973)
Property Owner: House of Der, Inc.
8100 Liberty Road and Millvale Road
Present Zoning: D.R. 5.5
Proposed Zoning: (1) Special Hearing for off street parking in a residential zone, (2) Variance from M09.2b (1) to permit less parking spaces
District: 2nd No. Acres: 0.29

Dear Mr. DiMenna:

The following comments are furnished in regard to the plat submitted to this office for review by the Zoning Advisory Committee in connection with the subject item.

Highways:

Liberty Road (Md. 26) is a State Road; therefore, all improvements, intersections and entrances on this road will be subject to State Highway Administration requirements.

Millvale Road is an existing County road. No further highway improvements are required at this time. However, construction or reconstruction of any sidewalk, curb and gutter, entrance, apron, etc. in connection with the further development of this site will be the full responsibility of the Petitioner.

The entrance locations are subject to approval by the Department of Traffic Engineering, and shall be constructed in accordance with Baltimore County Standards.

Storm Drains:

Liberty Road (Md. 26) is a State Road. Therefore, drainage requirements as they affect the road come under the jurisdiction of the State Highway Administration.

The Petitioner must provide necessary drainage facilities (temporary or permanent) to prevent creating any nuisances or damages to adjacent properties, especially by the concentration of surface waters. Correction of any problem which may result, due to improper grading or improper installation of drainage facilities, would be the full responsibility of the Petitioner.

Item #84 (1972-1973)
Property Owner: House of Der, Inc.
Page 2
December 4, 1972

Water and Sanitary Sewer:

Public water supply and sanitary sewerage are available and serving this property.

The Petitioner is responsible for the cost of capping the existing water main connection and plugging the existing sanitary sewer connection if not used for this site.

Very truly yours,
ELLSWORTH N. DIVER, P.E.
Chief, Bureau of Engineering

END:EAM:FWR:es

P-SE Key Sheet
21 NW 28 Position Sheet
NW 6 G Topo
77 Tax Map

BALTIMORE COUNTY
DEPARTMENT OF TRAFFIC ENGINEERING
TOWSON, MARYLAND 21204
494-3550

STEPHEN E. COLLINS
DIRECTOR

November 10, 1983

Mr. Arnold Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Item No 75, 76, 78 -ZAC- Meeting of September 20, 1983
Property Owner:
Location:
Existing Zoning:
Proposed Zoning:

Acres:
District:

Dear Mr. Jablon:

The Department of Traffic Engineering has no comments for item numbers 75, 76, and 78.

Michael S. Flanagan
Traffic Engineering Assoc. II

MSF/ccm

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

Arnold Jablon, Zoning Commissioner
TO: Office of Planning and Zoning Date: October 21, 1983
FROM: Ian J. Forrest
SUBJECT: Zoning Variance Items
Meeting - September 20, 1983

The Baltimore County Department of Health has reviewed the following zoning items and does not anticipate any health hazards at this time regarding these items.

- Item 75 - House of Der, Inc.
- Item 76 - Gardens of Faith, Inc.
- Item 77 - Merritt Park Associates

Ian J. Forrest, Director
BUREAU OF ENVIRONMENTAL SERVICES

LJP/eth

BALTIMORE COUNTY
DEPARTMENT OF PERMITS & LICENSES
TOWSON, MARYLAND 21204
494-3000

TED ZALESKI JR.
DIRECTOR

Mr. Arnold Jablon, Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Dear Mr. Jablon:

Comments on Item #75 Zoning Advisory Committee Meeting are as follows:

Property Owner: House of Der, Inc.
Location: 8100 Liberty Road and Millvale Road
Existing Zoning: SW/Cor. Liberty Road and Millvale Road
Proposed Zoning: B.L.-COC
Variance to permit a side yard setback of 1.96' in lieu of the required 7'.

Acres: 1.32
District: 1st.

The items checked below are applicable:

- X A. All structures shall conform to the Baltimore County Building Code 1981/Connell Bill H-82 State of Maryland Code for the Handicapped and Aged; and other applicable Codes.
- X B. A building & other miscellaneous permit shall be required before beginning construction.
- C. Residential: Three sets of construction drawings are required to file a permit application. Architect/Engineer seal is/are not required. Non-reproduced seals and signatures are required on Plans and Technical Data.
- D. Commercial: Three sets of construction drawings with a Maryland Registered Architect or Engineer shall be required to file a permit application.
- E. An exterior wall erected within 6'0" for Commercial uses or 3'0" for One & Two Family use group of an adjacent lot line shall be of one hour fire resistive construction, no openings permitted within 3'0" of lot lines. A Firewall is required if construction is on the lot line, see Table 401, Line 2, Section 407 and Table 402, also Section 503.2.
- F. Requested variance appears to conflict with the Baltimore County Building Code, Section/s _____.
- G. A change of occupancy shall be applied for, along with an alteration permit application, and three required sets of drawings indicating how the structure will meet the Code requirements for the proposed change. Drawings may require a professional seal.
- H. Before this office can comment on the above structure, please have the owner, thru the services of a Registered in Maryland Architect or Engineer certify to this office, that, the structure for which a proposed change in use is proposed can comply with the height/area requirements of Table 505 and the required construction classification of Table 401.
- X I. Comments - The wall adjacent to the property line shall not have any openings and shall be made a 1 hour rated construction. The applicant shall see his Architect or Engineer on how to accomplish this. An alteration permit may be required. Only single family uses are permitted for this dwelling. See Section 503.2

NOTE: These comments reflect only on the information provided by the drawings submitted to the office of Planning and Zoning and are not intended to be construed as the full extent of any permit. If desired, additional information may be obtained by visiting Room 122 (Plans Review) at 111 W. Chesapeake Ave., Towson.

Very truly yours,
Charles E. Surdhan, Chief
Plans Review

CEB:es

BALTIMORE COUNTY PUBLIC SCHOOLS

Robert Y. Dubel, Superintendent
Towson, Maryland - 21204

Date: September 19, 1983

Mr. William E. Hammond
Zoning Commissioner
Baltimore County Office Building
1111 West Chesapeake Avenue
Towson, Maryland 21204

Z.A.C. Meeting of: September 20, 1983

RE: Item No: 75, 76, 77 & 78
Property Owner:
Location:
Present Zoning:
Proposed Zoning:

District:
No. Acres:

Dear Mr. Hammond:

The above mentioned items have no adverse effect on student population.

Very truly yours,
Wm. Nick Petrovich
Wm. Nick Petrovich, Assistant
Department of Planning

WNP/bp

Paul Lee P.E.

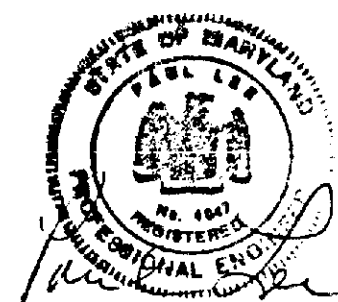
Paul Lee Engineering Inc.
304 W. Pennsylvania Ave.
Towson, Maryland 21204
821-5941

DESCRIPTION

3529 MILLVALE ROAD, ELECTION DISTRICT 2, BALTIMORE COUNTY, MARYLAND

Beginning for the same at a point and point being located at the intersection of the South side of Millva. Road and the West side of Liberty Road thence binding on the West side of Liberty Road (1) S 65°33'25" E 177.04 feet thence leaving said West side of Liberty Road (2) S 27°56'35" W 132.97 feet and (3) S 65°33'25" E 94.25 feet to intersect the North side of Milford Mill Road; thence binding on the North side of Milford Mill Road (4) S 45°29'30" W 76.74 feet thence (5) by a curve to the left with a radius of 1700.00 feet for a distance of 8.41 feet, thence leaving said North side of Milford Mill Road (6) N 50°18'45" W 153.66 feet, thence (7) S 39°41'15" W 120.00 feet, thence (8) N 50°18'45" W 145.00 feet to intersect the South side of Millvale Road, thence binding on the South side of Millvale Road (9) N 39°41'15" E 239.46 feet, thence (10) by a curve to the left with a radius of 20.00 feet for a distance of 32.62 feet to the place of beginning. Also known as 3529 Millvale Road.

Containing 1.32 acres of land, more or less.



Engineers — Surveyors — Site Planners 9/8/83

December 5, 1983

William M. Hesson, Jr., Esquire
204 West Pennsylvania Avenue
Towson, Maryland 21204

IN RE: Petition Zoning Variance
SW/corner of Millvale and Liberty
Roads - 2nd Election District
House of Der, Inc., Petitioner
Case No. 84-142-A

Dear Mr. Hesson:

I have this date passed my Order in the above-referenced matter in accordance with the attached.

Sincerely,

Arnold Jablon
ARNOLD JABLON
Zoning Commissioner

AJ/srl

Attachments

cc: Mrs. Imogene Lingo
3529 Millvale Road
Baltimore, Maryland 21207

John W. Hessian, III, Esquire
People's Counsel

PETITION FOR VARIANCE

2nd Election District

ZONING: Petition for Variance

LOCATION: Southwest corner Millvale and Liberty Roads

DATE & TIME: Wednesday, November 30, 1983 at 10:00 A.M.

PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

Petition for Variance to permit a side yard setback of 1.96 ft. in lieu of the required 7 ft.

The Zoning Regulation to be excepted as follows:
Section 1B02.3.B (III C.3) - side yard setback in D.R. 5.5 zone

All that parcel of land in the Second District of Baltimore County

Being the property of House of Der, Inc., as shown on plat plan filed with the Zoning Department.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.

BY ORDER OF
ARNOLD JABLON
ZONING COMMISSIONER
OF BALTIMORE COUNTY

IN RE: PETITION ZONING VARIANCE
SW/corner of Millvale and
Liberty Roads - 2nd Election
District
House of Der, Inc.,
Petitioner

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein, House of Der, Inc., requests a variance to permit a side yard setback of 1.96 feet instead of the required seven feet. The purpose of the request is to permit the continued existence of a shed attached to the side of a single-family dwelling on the Petitioner's property, as more fully described on Petitioner's Exhibit 1.

The Petitioner appeared and testified and was represented by Counsel. Also testifying for the Petitioner was Paul Lee, a registered professional engineer. Two Protestants appeared and testified.

Testimony indicated that the Petitioner, the owner and operator of a restaurant on the property, owns a single-family dwelling to the rear of the restaurant, which he rents to a cook employed at the restaurant. The restaurant fronts Liberty Road, while the house faces Millvale Road. The property, approximately 1.32 acres, requires extensive landscaping maintenance in order to provide cosmetic and necessary repair for public appreciation. The Petitioner did not have sufficient storage facilities for the equipment utilized for such maintenance and wanted to add a storage shed on the property. After consultation with his contractor, it was determined that the most appropriate placement of the shed would be to the south side of the single-family dwelling. The contractor began construction, and after complaint was made to the Zoning Office, it was determined that the shed had

been built too close to the southern property line. Thereafter, the Petitioner filed this request.

Testimony from Mr. Lee indicated that the shed could not have been built anywhere else on the property without practical difficulty or undue hardship. He noted that the house is surrounded on two sides by paved parking for the customers of the restaurant and to build the shed to the north side or rear of the house would necessitate the usurpation of three to four spaces. Inasmuch as the Petitioner had previously been granted a variance for parking of 100 spaces, this would require an additional variance to further reduce the total number of spaces required by law. Mr. Lee testified it was his opinion as a registered and experienced engineer of many years that the requirements as set forth in Section 307 of the Baltimore County Zoning Regulations (BCZR) would not be adversely effected if the variance were to be granted, that the variance would be within the spirit and intent of and in harmony with the zoning regulations, and that there would be no substantial injury to the public health, safety, and general welfare.

The Petitioner testified that a six-foot-high wood fence exists on the side which shields the shed from the immediate neighbor and a chain-link fence to the front of the house connects with the wood fence to further shield the shed from view. In fact, testimony indicated that all but the top of the shed is shielded from view. The Petitioner testified that if the variance were to be granted, the shed would be further shielded by planted shrubbery.

Imogene Lingo, a neighbor two doors away from the Petitioner's dwelling on Millvale Road, testified that she and other neighbors object to the shed. She stated that her views also represented those of the land owner adjoining the Petitioner's property who would be most effected by the variance request. Additionally, she was most concerned with maintaining the neighborhood as a nice residential

area and wished to prevent further creeping commercialism from Liberty Road infringing on the residential qualities now existing. Mrs. Lingo stated that the Petitioner was a good neighbor and had always lived up to any promises made, but felt that the shed was too close to the property line and should not be allowed. She maintained that the shed can be seen easily from the immediate neighbors' living room and, therefore, adversely affects the value of the home recently purchased by the neighbors. Mrs. Lingo admitted that many houses in the neighborhood, including two shown on Petitioner's Exhibit 1, have accessory buildings in violation of the zoning regulations.

It is clear and uncontradicted that the Petitioner has been a good neighbor and has never done anything to intentionally avoid or evade appropriate zoning regulations. It is also clear that the Petitioner will be using the shed only for storage of ground maintenance equipment, although storage of other material could be accomplished and considered. In no event will the shed be used to store food or be converted into a garage.

Paul Boyer testified that he himself was not opposed to the variance as he lived across and down the street from the Petitioner and could not see the shed. He did, however, support the opposition expressed by Mrs. Lingo.

The Petitioner seeks relief from Section 1B02.3.B. (Section III.C.3.), pursuant to Section 307, BCZR.

An area variance may be granted where strict application of the zoning regulation to the petitioner and his property would cause practical difficulty. *McLean v. Soley*, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- whether the grant would do substantial injustice to applicant as well as other property owners in the

district or whether a lesser relaxation than that applied for would give substantial relief; and
3. whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance were to be granted, such use as proposed would not be contrary to the spirit of the regulations and would not result in substantial detriment to the public good.

After due consideration of the testimony and evidence presented, it is clear that a practical difficulty or unreasonable hardship would result if the instant variance were not to be granted. It has been established that the requirement the Petitioner seeks relief from here would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not be detrimental to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this _____ day of December, 1983, that the Petition for Variance to permit a side yard setback of 1.96 feet in lieu of the required seven feet be and is hereby GRANTED, from and after the date of this Order, subject, however, to the following restrictions:

- The Petitioner may apply for its building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at its own risk until such time as the applicable appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

ORDER RECEIVED FOR FILING
DATE 9/25/83
BY *John P. Lingo*

ORDER RECEIVED FOR FILING
DATE 9/25/83
BY *John P. Lingo*

ORDER RECEIVED FOR FILING
DATE 9/25/83
BY *John P. Lingo*

ORDER RECEIVED FOR FILING
DATE 9/25/83
BY *John P. Lingo*

ORDER RECEIVED FOR FILING

DATE December 5, 1983
BY Carol L. Lacey, clk
ADMINISTRATIVE ASSISTANT

2. The storage shed shall be utilized only for maintenance equipment or appliance storage.

Arnold Jablon
Zoning Commissioner of
Baltimore County

November 1, 1983

William M. Hesson, Jr., Esquire
204 W. Pennsylvania Avenue
Towson, Maryland 21204

NOTICE OF HEARING

Re: Petition for Variance
SW/corner Millvale & Liberty Roads
House of Der, Inc. - Petitioner
Case No. 84-142-A

TIME: 10:00 A.M.
DATE: Wednesday, November 9, 1983
PLACE: Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland

Arnold Jablon
Zoning Commissioner
of Baltimore County

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 121596

DATE 7/7/83 ACCOUNT R-01-615-000
AMOUNT 35.00
RECEIVED FROM Bill Hesson
FOR pay for variance #84-142-A
House of Der, Inc.
C 041*****350010 003-A

VALIDATION OR SIGNATURE OF CASHIER



BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353

ARNOLD JABLON
ZONING COMMISSIONER

November 17, 1983

William M. Hesson, Jr.
204 W. Pennsylvania Avenue
Towson, Maryland 21204

Re: Petition for Variance
SW/corner Millvale & Liberty Rds.
House of Der, Inc. - Petitioner
Case No. 84-142-A

Dear Mr. Hesson:

This is to advise you that \$75.80 is due for advertising and posting of the above property. This fee must be paid before an Order is issued.

Please make the check payable to Baltimore County, Maryland, and remit to Mrs. Arlene January, Zoning Office, Room 113, County Office Building, Towson, Maryland 21204, before the hearing.

Sincerely,

Arnold Jablon
ARNOLD JABLON
Zoning Commissioner

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 122981

DATE 11/22/83 ACCOUNT R-01-615-000
AMOUNT \$75.80
RECEIVED FROM William M. Hesson, Jr., Esquire
FOR Advertising & Posting Case #84-142-A
(House of Der, Inc.)
1 set
C 025*****750010 022-A

VALIDATION OR SIGNATURE OF CASHIER

PETITION FOR VARIANCE
2nd Election District
ZONING: Petition for Variance
LOCATION: Southwest corner of
Liberty and Millvale Roads
DATE & TIME: Wednesday, November 30, 1983 at 10:00 A.M.
PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:
Petition for Variance to permit a side yard setback of 1.96 ft. in lieu of the required 7 ft.
The Zoning Regulation to be excepted as follows:
Section 1902.1 B (III C.3) - side yard setback 10-20 ft. 8.5 ft. none
All that parcel of land in the Second District of Baltimore County Beginning for the same at a point said point being located at the intersection of the South side of Millvale Road and the West side of Liberty Road thence binding on the West side of Liberty Road (1) S 45° 30' 20" E 177.04 feet thence leaving said West side of Liberty Road (2) S 77° 06' 30" W 132.97 feet and (3) S 86° 33' 25" E 94.25 feet to intersect the North side of Millford Mill Road; thence binding on the North side of Millford Mill Road (4) S 45° 30' 20" W 78.74 feet thence (5) by a curve to the left with a radius of 1700.00 feet for a distance of 8.41 feet, thence leaving said North side of Millford Mill Road (6) N 50° 18' 45" W 153.66 feet, thence (7) S 9° 41' 15" W 130.00 feet, thence (8) N 50° 18' 45" W 145.00 feet to intersect the South side of Millvale Road, thence binding on the South side of Millvale Road (9) N 29° 41' 15" E 228.46 feet, thence (10) by a curve to the left with a radius of 20.00 feet for a distance of 32.53 feet to the place of beginning. Also known as 3529 Millvale Road.
Containing 1.22 acres of land, more or less.
Being the property of House of Der, Inc., as shown on plat plan filed with the Zoning Department.
In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.
BY ORDER OF
ARNOLD JABLON,
Zoning Commissioner
of Baltimore County
Nov. 10.

CERTIFICATE OF PUBLICATION

TOWSON, MD., November 10, 1983

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., ~~on~~ one time ~~successive weeks~~ before the 30th day of November, 1983, the ~~next~~ publication appearing on the 10th day of November, 1983.

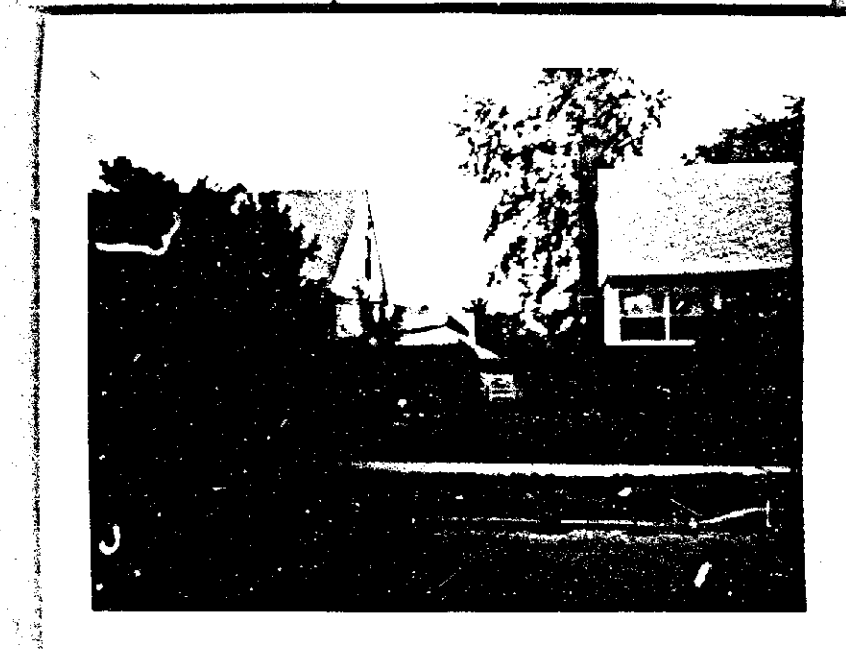
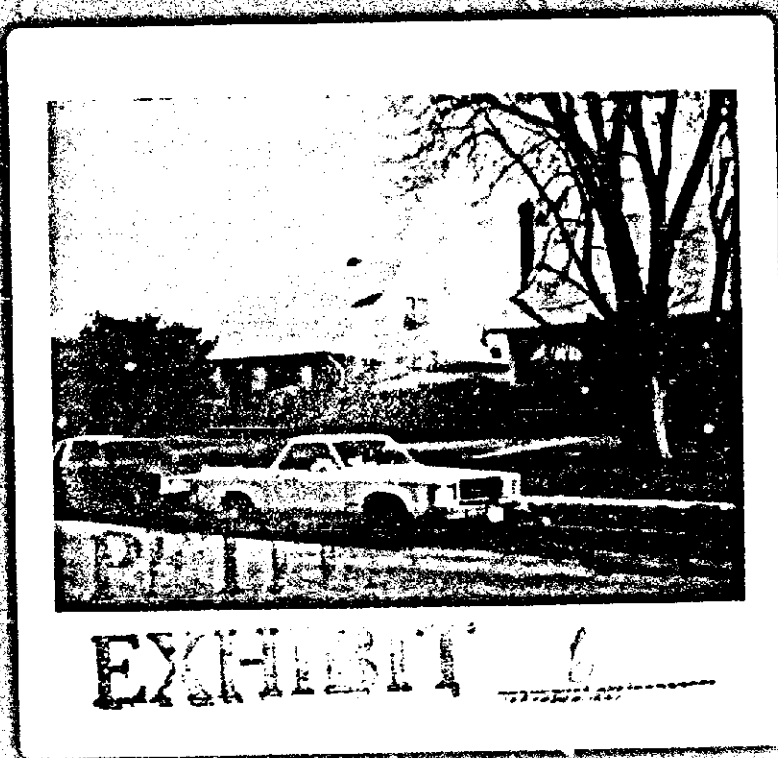
THE JEFFERSONIAN,
L. Frank Struth
Manager.

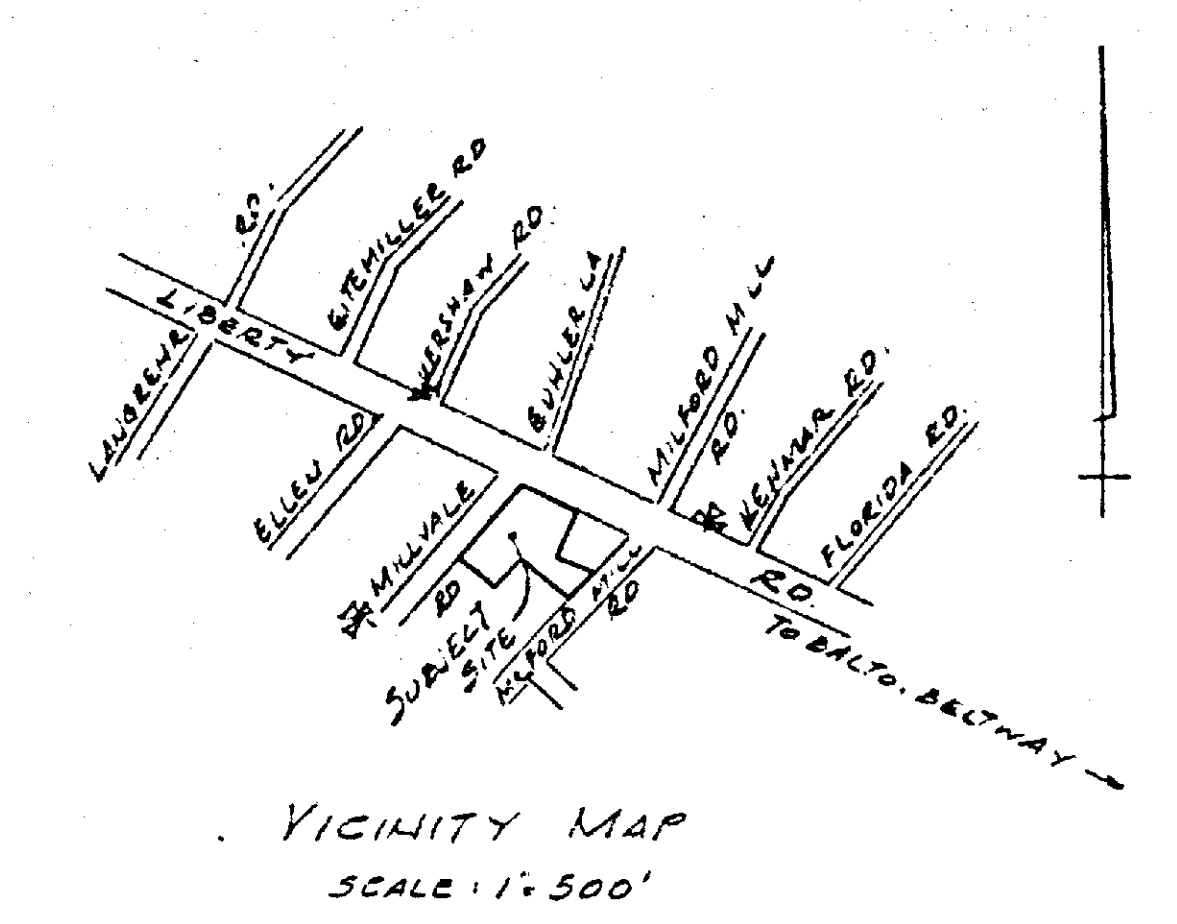
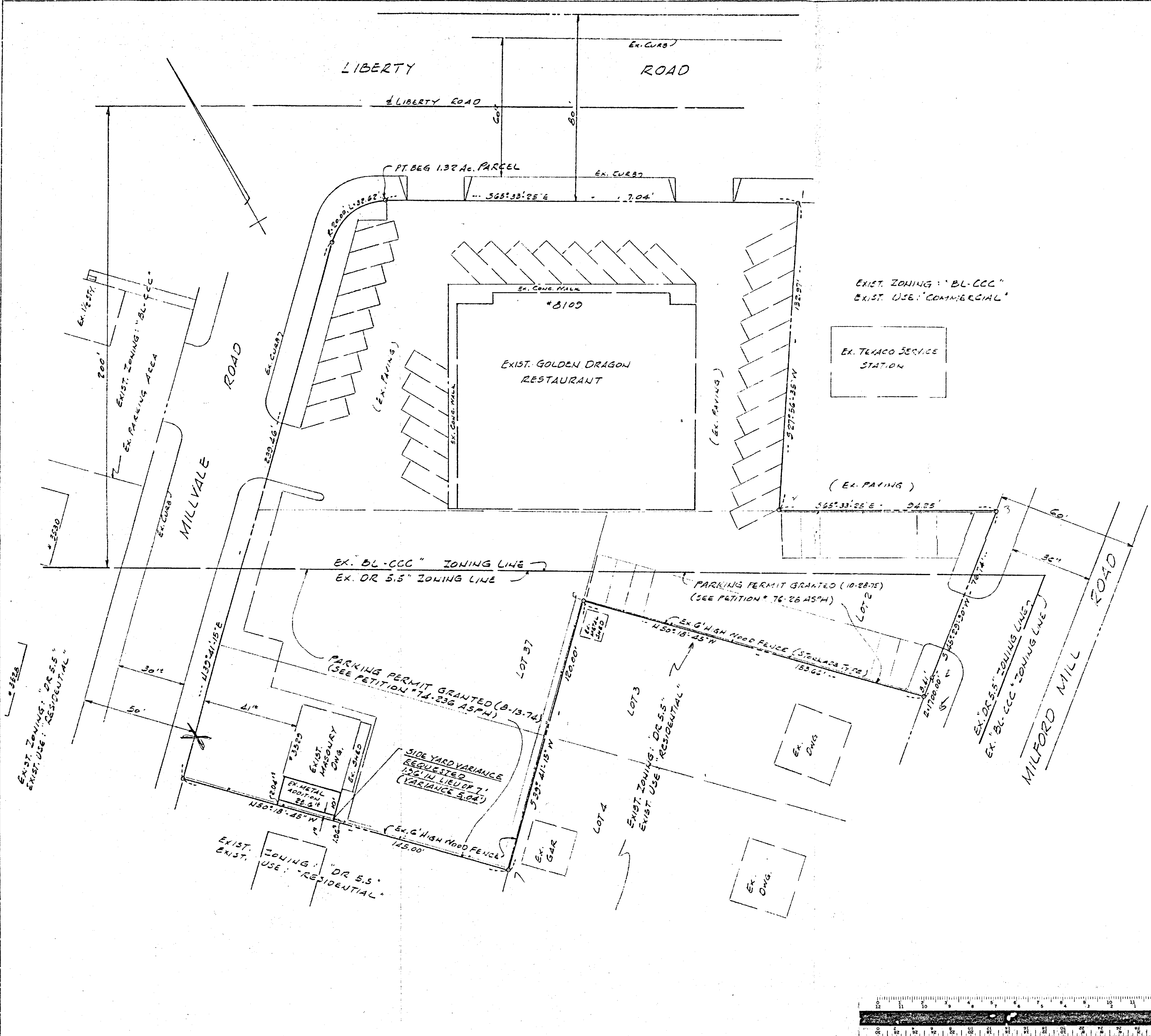
Cost of Advertisement, \$ 26.25

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

84-142-A

District 2nd Date of Posting 11-14-83
Posted for: Variance
Petitioner: House of Der, Inc.
Location of property: S.W. corner of Millvale and Liberty Roads
Location of Signs: East side of Millvale Road in front of 3529 Millvale Road
Remarks:
Posted by: L. Je. Pruth Date of return: 11-18-83
Signature
Number of Signs: 1





- GENERAL NOTES**
1. TOTAL AREA OF SITE - 1.32 ACRES
 2. EXISTING ZONING OF PROPERTY - "BL-CCC" 4 DR 6.5 MI PARKING PERMIT
 3. EXISTING USE OF PROPERTY - "RESTAURANT & RESIDENTIAL"
 4. PROPOSED ZONING OF PROPERTY - "BL-CCC" 4 DR 5.5 MI PARKING PERMIT
 5. PROPOSED USE OF PROPERTY - "RESTAURANT & RESIDENTIAL"
 6. NUMBER OF PARKING SPACES REQ'D. - 9885.383 A, 50' 108' 2" FOR RESIDENTIAL 200
 7. NUMBER OF PARKING SPACES SHOWN - 100 (VARIANCE OF 100 SPACES GRANTED)
 8. PUBLIC UTILITIES AVAILABLE TO SITE
 9. PROPERTY LOCATED IN GYNN FALLS WATERSHED
 10. PETITIONER REQUESTING A VARIANCE FOR EXISTING METAL SHED ADDITION TO EXISTING DWELLING
 11. PETITIONER REQUESTING A VARIANCE TO SECTION 1802.3 B (ECT. II C.3) TO ZONING REGULATIONS TO PERMIT A SIDE YARD OF 106' INSTEAD OF REQ'D. 7' (A VARIANCE OF 5.04')

PLAT TO ACCOMPANY PETITION
FOR
YARD VARIANCE
3529 MILLVALE ROAD
ELECT. DIST. 2 BALTIMORE COUNTY, MD
SCALE: 1" = 20' AUG. 31, 1983

PETITIONER'S EXHIBIT

MAP	213
NO.	100-10
ELECTION	
DIST.	2
D.T.	9/27
TYPE	A
REMARKS	BY
DATE	10/10
BY	10/10

Item #1

Arch. Eng. & Surveying, Inc.
303 W. Pennsylvania Ave.
Baltimore, Maryland 21201

